

Congress of the United States
House of Representatives
Washington, DC 20515

August 2, 2019

The Honorable Ajit V. Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

To ensure that the rollout of the Lifeline National Eligibility Verifier (National Verifier) achieves its intended purposes, we respectfully request that the Federal Communications Commission (FCC) delay any future hard launch of the National Verifier in a state until the FCC establishes connections to Medicaid or Supplemental Nutrition Assistance Program (SNAP) databases for Lifeline eligibility verification in that state. This action would help ensure that Americans eligible for Lifeline are not incorrectly rejected from the program.

The original objectives of the FCC in establishing the National Verifier include “protect[ing] against and reduce waste, fraud, and abuse” and “better serv[ing] eligible beneficiaries by facilitating choice and improving the enrollment experience.”¹ At the time of establishing National Verifier, the FCC reaffirmed the role of the National Verifier and Lifeline in furthering Congress’s intent of making affordable communications available to all Americans.²

We strongly believe that the National Verifier will better serve eligible Lifeline beneficiaries and fulfill its intended objectives if it has access to the enrollment databases for Medicaid, SNAP, or both. In your May 13th response to several Members of the House Subcommittee on Communications and Technology, you provided data on approval rates for the National Verifier by state.³ According to our analysis of this data, the National Verifier has an approval rate of 62% in states where it has access to state Medicaid or SNAP databases, but only 31% in states where the National Verifier lacks access to a state database.⁴ Individuals who aren’t automatically approved through the

¹ Lifeline and Link Up Reform and Modernization et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, 31 FCC Rcd 3962, ¶ 128 (2016) (“Lifeline Modernization Order”).

² *Id.* at ¶ 4 (referencing the Communications Act of 1934 at § 1 and the Telecommunications Act of 1996 at § 101(a))

³ Ajit Pai, “Response to Reps. Clarke, Eshoo, Doyle, Cardenas, Butterfield, Veasey and McNerney,” May 13, 2019, <https://docs.fcc.gov/public/attachments/DOC-357663A1.pdf>.

⁴ For example, approval rates in Colorado, Missouri, Mississippi, North Carolina, New Mexico, Pennsylvania, Tennessee and Utah are 50% and above and all those states use direct database access to SNAP, Medicaid or both, while Alaska, Delaware, Hawaii, Idaho, Maine and Wyoming do not have access

National Verifier often face barriers to enrollment in Lifeline, such as needing to obtain and upload additional documents to Universal Service Administrative Company (USAC)'s National Verifier portal. These steps are often time-consuming and technically challenging for low-income individuals who cannot afford internet access without Lifeline. By ensuring that the National Verifier has access to Medicaid or SNAP before hard launching in a state, the program will more effectively further the FCC's intent of better serving eligible beneficiaries and Congressional intent of making affordable communications services available to all Americans.

Furthermore, access to SNAP and Medicaid databases are critical to the FCC's efforts to guard against waste, fraud, and abuse in the Lifeline program. In the 2016 Order modernizing Lifeline, the FCC made clear that the National Verifier should rely on the eligibility verification processes for Medicaid and SNAP, in addition to databases for other programs, to strengthen Lifeline's program integrity.⁵ Specifically, the FCC stated that "SNAP's low eligibility error rate provides a high level of accountability that the Commission should leverage"⁶ and that "Medicaid provides similar efficiencies in eligibility determinations for the Lifeline program."⁷ By ensuring the National Verifier hard launches in a state only after it has connections to Medicaid or SNAP databases, the FCC can better protect Lifeline program integrity.

While we appreciate the cooperation between the FCC, USAC, and states, we also encourage efforts to integrate databases at a national level where technically feasible. We understand that USAC is developing a nationwide connection for the National Verifier to Medicaid databases in partnership with Centers for Medicare and Medicaid Services.⁸ We are hopeful this integration will benefit consumers in all states as soon as possible. Similarly, we request that the FCC and USAC work with the U.S. Department of Agriculture (USDA) to enquire whether the National Verifier can integrate with the National Accuracy Clearinghouse that USDA is required to establish.⁹ We request an update on the progress of these discussions.

We recognize and appreciate that you, along with past and present FCC and USAC leaders have worked hard to ensure that the National Verifier will be deployed in all

to either SNAP or Medicaid and suffer from approval rates are at or below 25%. See *id*, Table 1 and USAC Lifeline National Verifier Eligibility Decision Process website <https://www.usac.org/li/tools/national-verifier/decisions.aspx>.

⁵ *Id.* at section III.D.2.d (Protecting Against Waste, Fraud, and Abuse by Utilizing Highly Accountable Programs)

⁶ *Id.* at ¶ 184

⁷ *Id.* at ¶ 185

⁸ "High Cost & Low Income Committee Briefing Book" (Universal Service Administrative Company, April 29, 2019), at pg. 43, https://www.usac.org/_res/documents/about/pdf/bod/materials/2019/High-Cost&Low-Income-Briefing-Book-April.pdf.

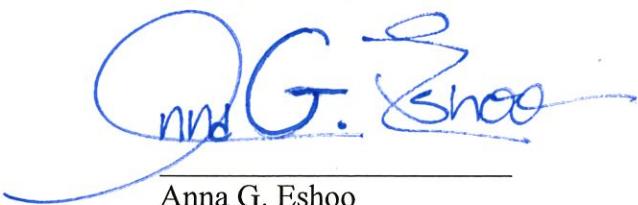
⁹ Agriculture Improvement Act of 2018, Pub. L. No. 115-334, § 4011 (2018) (codified at 7 U.S.C. § 2020(x))

states and territories by December 31, 2019, consistent with the FCC's expectation when it established the program.¹⁰ We believe that soft launching in all states and territories by this deadline would sufficiently meet this goal while ensuring hard launches occur only after the National Verifier has connections to databases for Medicaid, SNAP, or both.

We therefore respectfully request that the FCC delay any hard launch of the National Verifier in any state unless and until it has obtained access to at least Medicaid or SNAP databases to enable automated eligibility verification for low-income Americans in that state.

Thank you for your time and attention to this urgent matter.

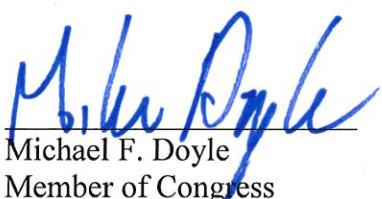
Most gratefully,



Anna G. Eshoo
Member of Congress



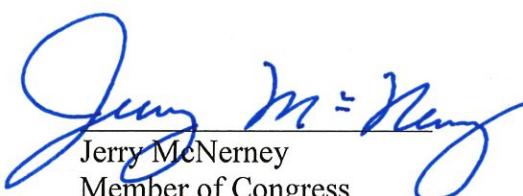
Yvette D. Clarke
Member of Congress



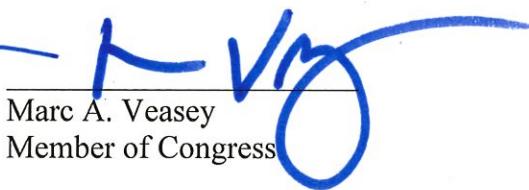
Michael F. Doyle
Member of Congress



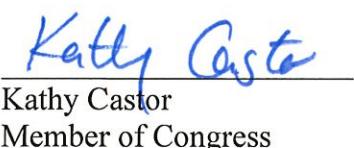
G. K. Butterfield
Member of Congress



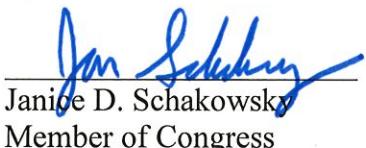
Jerry McNerney
Member of Congress



Marc A. Veasey
Member of Congress



Kathy Castor
Member of Congress



Jan Schakowsky
Member of Congress

cc: The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner

¹⁰ Lifeline Modernization Order at ¶ 164.